

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 2:17-CR-092
	)	
FLORENCIO GOMEZ	)	

**MEMORANDUM AND ORDER**

The defendant, a resident of Oregon, is charged in this court with conspiring to distribute 1,000 kilograms or more of marijuana and with possessing firearms in furtherance of the marijuana offense. Following the defendant's arrest, an Oregon magistrate judge entered an order allowing pretrial release.

The United States then promptly filed in this court a motion for review and stay of the Oregon release order. [Doc. 28]. This court granted a stay and referred the motion to United States Magistrate Judge Clifton Corker for a report and recommendation ("R&R"). Judge Corker conducted an evidentiary hearing on November 1, 2017. Now before the court is the magistrate judge's R&R entered that same date, recommending that the United States' motion be granted. [Doc. 82].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge's report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review "those portions of the report or specified proposed findings or recommendations to

which objection is made.” 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections have been filed to the present R&R, and the time for doing so has now passed. The undersigned has nonetheless thoroughly reviewed the R&R and the pretrial services documents from the United States Probation Office.

Finding itself in complete agreement with the magistrate judge, the court **ADOPTS** the findings of fact and conclusions of law set out in the report and recommendation [doc. 82]. It is **ORDERED** that the “United States’ Motion for Review of Release Order and Stay” [doc. 28] is **GRANTED**. The Order Setting Conditions of Release entered in the United States District Court for the District of Oregon is **REVOKED**. This case remains set for trial on February 6, 2018, in Greeneville, Tennessee.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge